

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

ALBERT BRUCE SINGLETARY,

Petitioner,

v.

WARDEN JOHN RATHMAN,

Respondent.

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2:10-cv-3396-JHH-RRA

MEMORANDUM OPINION

This is a habeas corpus petition brought pursuant to 28 U.S.C. § 2241. The magistrate judge entered a report and recommendation recommending that the petition be dismissed. Objections have been filed. Within the objections, the petitioner has also requested a new trial.

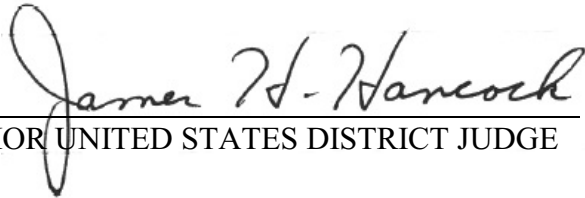
The court has considered the entire file in this action, including the report and recommendation, and has reached an independent conclusion that the report and recommendation is due to be adopted and approved. Moreover, the motion for a new trial is DENIED. The petitioner did not have a trial in this case; therefore, it is not possible for him to receive a new trial.¹

Accordingly, the court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court.

¹ If Singletary is seeking to have a new trial in his criminal case, he should file a motion for a new trial in his criminal case, in the United States District Court for the Middle District of Georgia.

The petition is due to be dismissed. An appropriate order will be entered.

DONE this the 30th day of September, 2011.

A handwritten signature in black ink, reading "James H. Hancock". The signature is written in a cursive style with a large, looping initial "J".

SENIOR UNITED STATES DISTRICT JUDGE